



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUL 15 2013

William Greene, Treasurer
RIGHTMARCH.COM PAC. INC
2400 Earlsgate Ct
Reston, VA 20191

RE: MUR 6744
RIGHTMARCH.COM PAC INC
and William Greene in his official
capacity as treasurer

Dear Mr. Greene:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting RIGHTMARCH.COM PAC INC and you in your official capacity as treasurer ("Committee") may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On March 4, 2013, the Committee was notified that it was being referred to the Commission's Office of the General Counsel for possible enforcement action under 2 U.S.C. § 437g. On July 9, 2013, the Commission found reason to believe that the Committee violated 2 U.S.C. § 434(b), a provision of the Act. Enclosed is the Factual and Legal Analysis that sets forth the basis for the Commission's determination.

In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement prior to a determination by the Commission as to whether there is probable cause to believe that the Committee violated the Act. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering to the Committee as a way to resolve this matter at an early stage.

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If the Committee is interested in engaging in pre-probable cause conciliation, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1650 or (800) 424-9530, within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. No action by the Commission or any person and no information derived in connection with any conciliation attempt by the Commission may be made public by the Commission without the written consent of the respondent and the Commission. 2 U.S.C. § 437g(a)(4)(B). The Commission may proceed to the next step in the enforcement process if the Committee is not interested in pre-probable cause conciliation or a mutually acceptable conciliation agreement cannot be reached within 60 days. See 2 U.S.C. § 437g(a), 11 C.F.R. Part 11.1 (Subpart A). Please note that once the Commission initiates the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

In the meantime, this matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form starting the name, address and telephone number of such counsel, and authorizing such counsel to receive any notification and other communications from the Commission.

We look forward to your response.

On behalf of the Commission,



Ellen L. Weintraub
Chair

Enclosures

Factual and Legal Analysis
Designation of Counsel Form
Conciliation Agreement

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: RIGHTMARCH.COM PAC INC and William Greene MUR 6744
in his official capacity as treasurer

I. INTRODUCTION

The Audit Division referred this matter to the Office of General Counsel following an audit of RIGHTMARCH.COM PAC INC and William Greene in his official capacity as treasurer ("Rightmarch"). See Audit Referral 13-02 (Rightmarch) ("AR"). The audit, which was conducted pursuant to 2 U.S.C. § 438(b), covered activity between January 1, 2007, through December 31, 2008. Final Audit Report A09-25 at 4-5 (Rightmarch). There, the Commission found that Rightmarch misstated its financial activity in 2007 and 2008. *Id.* On the basis of the Final Audit Report, the Commission found reason to believe that Rightmarch violated 2 U.S.C. § 434(b).

II. BACKGROUND

Rightmarch is a non-connected, multi-candidate committee that first filed its statement of organization in 2003. During the audit, the Commission compared Rightmarch's reported financial activity with its bank records. AR 13-02 at 3. Based on this review, the Commission found that for 2007 Rightmarch understated its reported receipts and ending cash-on-hand by \$23,940 and \$16,750, respectively. *Id.* The Commission also found that in 2008, Rightmarch understated reported disbursements and ending cash-on-hand by \$9,889 and \$6,625, respectively. *Id.*¹

¹ The understated reported disbursements of \$9,889 is the net of unreported disbursements (\$15,563); the erroneous reporting in 2008 of a disbursement that was actually made in 2009 (\$5,000); reporting of disbursements not supported by check or debit (\$826); and an unexplained difference (\$152). See AR 13-02 at 4.

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In response to the Interim Audit Report, Rightmarch agreed with the Audit Division's conclusion that it had misstated its financial activity and stated that it would file amended disclosure reports. AR 13-02 at 4-5. Similarly, in response to the Draft Final Audit Report, Rightmarch again concurred that it misstated its activity and would work with the Audit staff to file amended reports. *Id.* After the Final Audit Report was issued, Rightmarch consulted with Audit about amending its reports, but Rightmarch has not yet amended its reports.

The Audit Division referred this matter to the Office of General Counsel on February 27, 2013. On March 4, 2013, this Office notified Rightmarch of the referral in accordance with the Commission's policy regarding notification in non-complaint generated matters. 74 Fed. Reg. 38617 (Aug. 4, 2009). Rightmarch did not respond to the Commission's notification.²

III. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires treasurers to file reports disclosing the amount of cash-on-hand at the beginning and end of each reporting period; the total amount of receipts for the reporting period and for the calendar year; and the total amount of disbursements for the reporting period and for the calendar year. *See* 2 U.S.C. § 434(b)(1), (2), (4). As the Commission found in the Final Audit Report, in 2007 Rightmarch understated receipts by \$23,940, and understated ending cash-on-hand by \$16,750; in 2008 Rightmarch understated disbursements by \$9,889 and understated ending cash-on-hand by \$6,625. Therefore, the Commission found reason to believe that RIGHTMARCH.COM PAC INC and William Greene in his official capacity as treasurer violated 2 U.S.C. § 434(b).

² After receiving no response to the referral notification, the Office of General Counsel made additional attempts to communicate with the treasurer concerning whether a response was forthcoming but was unsuccessful in reaching him.

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